

SEARCH & SEIZURE – K-9

Rodriguez v. U.S., --- U.S. --- (2015)

Decided April 21, 2015

FACTS: On March 27, 2012, just after midnight, Officer Struble (Valley PD, Nebraska) watched a vehicle veer slowly onto the shoulder of a state highway for a few second, and then “jerk back onto the road.” Since Nebraska law prohibited driving on the shoulder, he made a traffic stop. Along with Officer Struble was his K-9, Floyd. Rodriguez was driving, and Pollman occupied the front passenger seat.

Struble approached on the passenger side. Rodriguez identified himself, and explained that he’d swerved to avoid a pothole. Struble gathered the documents and asked Rodriguez to accompany him back to the patrol vehicle. Rodriguez asked he was required to do so, and “Struble answered that he was not.” Rodriguez elected to stay in his own vehicle. After running a records check on Rodriguez, Struble returned and questioned Pollman, obtaining his ID. He asked about their travel plans. Struble returned to his car to do a records check on Pollman, and requested back-up. He wrote up a warning tickets for the violation. On his third trip to the car, by about 12:28, he issued the warning and returned all of the documents he was holding. Nevertheless, he later stated, he did not consider the pair “free to leave.” He asked for consent to walk his dog around the vehicle, which Rodriguez denied. “Struble then instructed Rodriguez to turn off the ignition, exit the vehicle, and stand in front of the patrol car to wait for the second officer.” When a deputy arrived, a few minutes later, Struble had Floyd circle the vehicle. Floyd alerted on his second pass and ultimately, a large bag of methamphetamine was found. “All told, seven or eight minutes had elapsed from the time Struble issued the written warning until the dog indicated the presence of drugs.”

Rodriguez was indicted in federal court for the methamphetamine. He moved for suppression, which was denied. Although the court agreed there was nothing to support the detention, he concluded that the short detention was “only a de minimis intrusion on Rodriguez’s Fourth Amendment rights and was therefore permissible.” Rodriguez took a conditional guilty plea and appealed.

The Eighth Circuit Court of Appeals affirmed, on the same grounds. Rodriguez requested certiorari, and the U.S. Supreme Court granted review.

ISSUE: May a traffic stop be prolonged, absent at least reasonable suspicion, to allow for a drug sniff by a K-9?

HOLDING: No

DISCUSSION: The Court agreed that a “seizure for a traffic violation justifies a police investigation of that violation,” and is more akin to a Terry stop than an arrest. “Like a Terry stop, the tolerable duration of police inquiries in the traffic-stop context is determined by the seizure’s “mission”—to address the traffic violation that warranted the stop.”¹ “Authority for the seizure thus ends when tasks tied to the traffic infraction are—or reasonably should have been—completed.” In both Caballes and Johnson, the Court emphasized that an unrelated investigation can be done, so long as it “did not lengthen the roadside detention.”² Additional inquiries might include “checking the driver’s license, determining whether there are outstanding warrants against the driver, and inspecting the automobile’s registration and proof of insurance.”³ The Court noted, however, that a “dog sniff, by contrast, is a measure aimed at “detect[ing] evidence of ordinary criminal wrongdoing.”⁴ The Court noted that the critical question is “not whether the dog sniff occurs before or after the officer issues a ticket ... but whether conducting the sniff ‘prolongs’ ... ‘the stop.’”

Because the question of whether reasonable suspicion was present to justify “detaining Rodriguez beyond completion of the traffic infraction investigation,” the Court vacated the lower court and remanded the case to the trial court for further proceedings.

FULL TEXT OF OPINION: http://www.supremecourt.gov/opinions/14pdf/13-9972_p8k0.pdf

¹ Illinois v. Caballes, 543 U.S. 405 (2005); See also U.S. v. Sharpe, 470 U. S. 675 (1985); Florida v. Royer, 460 U. S. 491 (1983).

² Terry v. Ohio, 392 U.S. 1 (1967); Arizona v. Johnson, 555 U. S. 323 (2009).

³ See Delaware v. Prouse, 440 U. S. 648 (1979).

⁴ Indianapolis v. Edmond, 531 U. S. 32 (2000). See also Florida v. Jardines, 569 U. S. 1 (2013).